

water, each as defined in § 68.3 of this part.

(3) *Articles.* Regulated substances contained in articles need not be considered when determining whether more than a threshold quantity is present at the stationary source.

(4) *Uses.* Regulated substances, when in use for the following purposes, need not be included in determining whether more than a threshold quantity is present at the stationary source:

- (i) Use as a structural component of the stationary source;
- (ii) Use of products for routine janitorial maintenance;
- (iii) Use by employees of foods, drugs, cosmetics, or other personal items containing the regulated substance; and
- (iv) Use of regulated substances present in process water or non-contact cooling water as drawn from the environment or municipal sources, or use of regulated substances present in air used either as compressed air or as part of combustion.

(5) *Activities in laboratories.* If a regulated substance is manufactured, processed, or used in a laboratory at a stationary source under the supervision of a technically qualified individual as defined in § 720.3(ee) of this chapter, the quantity of the substance need not be considered in determining whether a threshold quantity is present. This exemption does not apply to:

- (i) Specialty chemical production;
- (ii) Manufacture, processing, or use of substances in pilot plant scale operations; and
- (iii) Activities conducted outside the laboratory.

[59 FR 4493, Jan. 31, 1994. Redesignated at 61 FR 31717, June 20, 1996, as amended at 63 FR 645, Jan. 6, 1998; 69 FR 18803, Apr. 9, 2004]

**§ 68.120 Petition process.**

(a) Any person may petition the Administrator to modify, by addition or deletion, the list of regulated substances identified in § 68.130. Based on the information presented by the petitioner, the Administrator may grant or deny a petition.

(b) A substance may be added to the list if, in the case of an accidental release, it is known to cause or may be reasonably anticipated to cause death,

injury, or serious adverse effects to human health or the environment.

(c) A substance may be deleted from the list if adequate data on the health and environmental effects of the substance are available to determine that the substance, in the case of an accidental release, is not known to cause and may not be reasonably anticipated to cause death, injury, or serious adverse effects to human health or the environment.

(d) No substance for which a national primary ambient air quality standard has been established shall be added to the list. No substance regulated under title VI of the Clean Air Act, as amended, shall be added to the list.

(e) The burden of proof is on the petitioner to demonstrate that the criteria for addition and deletion are met. A petition will be denied if this demonstration is not made.

(f) The Administrator will not accept additional petitions on the same substance following publication of a final notice of the decision to grant or deny a petition, unless new data becomes available that could significantly affect the basis for the decision.

(g) Petitions to modify the list of regulated substances must contain the following:

- (1) Name and address of the petitioner and a brief description of the organization(s) that the petitioner represents, if applicable;
- (2) Name, address, and telephone number of a contact person for the petition;
- (3) Common chemical name(s), common synonym(s), Chemical Abstracts Service number, and chemical formula and structure;
- (4) Action requested (add or delete a substance);
- (5) Rationale supporting the petitioner's position; that is, how the substance meets the criteria for addition and deletion. A short summary of the rationale must be submitted along with a more detailed narrative; and
- (6) Supporting data; that is, the petition must include sufficient information to scientifically support the request to modify the list. Such information shall include:
  - (i) A list of all support documents;

## Environmental Protection Agency

## § 68.130

(ii) Documentation of literature searches conducted, including, but not limited to, identification of the data-base(s) searched, the search strategy, dates covered, and printed results;

(iii) Effects data (animal, human, and environmental test data) indicating the potential for death, injury, or serious adverse human and environmental impacts from acute exposure following an accidental release; printed copies of the data sources, in English, should be provided; and

(iv) Exposure data or previous accident history data, indicating the potential for serious adverse human health or environmental effects from an accidental release. These data may include, but are not limited to, physical and chemical properties of the substance, such as vapor pressure; modeling results, including data and assumptions used and model documentation; and historical accident data, citing data sources.

(h) Within 18 months of receipt of a petition, the Administrator shall publish in the FEDERAL REGISTER a notice either denying the petition or granting the petition and proposing a listing.

### § 68.125 Exemptions.

*Agricultural nutrients.* Ammonia used as an agricultural nutrient, when held by farmers, is exempt from all provisions of this part.

### § 68.126 Exclusion.

*Flammable Substances Used as Fuel or Held for Sale as Fuel at Retail Facilities.* A flammable substance listed in Tables 3 and 4 of § 68.130 is nevertheless excluded from all provisions of this part when the substance is used as a fuel or held for sale as a fuel at a retail facility.

[65 FR 13250, Mar. 13, 2000]

### § 68.130 List of substances.

(a) Regulated toxic and flammable substances under section 112(r) of the Clean Air Act are the substances listed in Tables 1, 2, 3, and 4. Threshold quantities for listed toxic and flammable substances are specified in the tables.

(b) The basis for placing toxic and flammable substances on the list of

regulated substances are explained in the notes to the list.

TABLE 1 TO § 68.130—LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION

[Alphabetical Order—77 Substances]

Chemical name	CAS No.	Threshold quantity (lbs)	Basis for listing
Acrolein [2-Propenal].	107-02-8	5,000	b
Acrylonitrile [2-Propenenitrile].	107-13-1	20,000	b
Acrylyl chloride [2-Propenoyl chloride].	814-68-6	5,000	b
Allyl alcohol [2-Propen-1-ol].	107-18-61	15,000	b
Allylamine [2-Propen-1-amine].	107-11-9	10,000	b
Ammonia (anhydrous).	7664-41-7	10,000	a, b
Ammonia (conc 20% or greater).	7664-41-7	20,000	a, b
Arsenous tri-chloride.	7784-34-1	15,000	b
Arsine .....	7784-42-1	1,000	b
Boron trichloride [Borane, trichloro-].	10294-34-5	5,000	b
Boron trifluoride [Borane, trifluoro-].	7637-07-2	5,000	b
Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro [oxybis (methane)]-, T-4-.	353-42-4	15,000	b
Bromine .....	7726-95-6	10,000	a, b
Carbon disulfide	75-15-0	20,000	b
Chlorine .....	7782-50-5	2,500	a, b
Chlorine dioxide [Chlorine oxide (ClO <sub>2</sub> )].	10049-04-4	1,000	c
Chloroform [Methane, trichloro-].	67-66-3	20,000	b
Chloromethyl ether [Methane, oxybis(chloro-].	542-88-1	1,000	b
Chloromethyl methyl ether [Methane, chloromethoxy-].	107-30-2	5,000	b
Crotonaldehyde [2-Butenal].	4170-30-3	20,000	b
Crotonaldehyde, (E)- [2-Butenal, (E)-].	123-73-9	20,000	b
Cyanogen chloride.	506-77-4	10,000	c
Cyclohexylamine [Cyclohexanamine].	108-91-8	15,000	b
Diborane .....	19287-45-7	2,500	b
Dimethyldichlorosilane [Silane, dichlorodimethyl-].	75-78-5	5,000	b